

president, Dr. G. P. Hall, Sunnyvale; Third Vice-president, Dr. Robert L. Hogg, Saratoga; treasurer, Dr. H. J. B. Wright; secretary, Dr. J. L. Pritchard. Councillors-at-large: Dr. A. E. Osborne, Dr. P. A. Jordan, Dr. J. J. Miller.

At the present time the Society has a membership of over 80. A great deal of interest is being manifested toward the League for the Conservation of Public Health. Dr. D. A. Beattie was named to represent the Society at the annual meeting of the league recently held in San Francisco, and at this meeting Dr. Beattie was elected a director representing the central counties in the league.

SANTA CRUZ COUNTY

The following have been elected officers of the Santa Cruz County Medical Society for the year 1920:

Dr. L. M. Liles, President; Dr. W. F. Cothran, First Vice-President; Dr. H. G. Watters, Second Vice-President; Dr. A. N. Nittler, Secretary-Treasurer; Dr. A. N. Nittler, Delegate; Dr. S. W. Dowling, Alternate Delegate; Dr. A. F. Cowden, Censor; Dr. W. F. Cothran, Censor; Dr. D. S. Woodard, Censor; Dr. J. C. Farmer, Corresponding Editor.

A new member was elected to the Society, Dr. T. F. Conroy, formerly of Chicago. Dr. H. E. Piper, last year of San Francisco County Medical Society and a former member of this Society, was reelected.

TULARE COUNTY

Regular meeting of the Tulare County Medical Society was held at Hotel Johnson, Sunday evening, January 25, with Dr. W. A. Sprick of Los Angeles as the guest of the evening.

After the dinner Dr. Sprick discussed gastric ulcer from the many different angles which they present to the general practitioner, dwelling upon their amenability in a large proportion of cases, to suitable medical treatment.

In the general discussion which followed many points of great interest were made clear. Dr. S. A. Barber of Porterville, who has been at Lane hospital with a fractured patella for the past six weeks, has resumed his practice.

Dr. F. V. Emery, for the past five years a practitioner at Porterville, has been appointed assistant physician at the Sonoma State Home, Eldridge.

Dr. C. L. Morris, recently returned from service in France, has located at Porterville.

Kings-Tulare County Tubercular hospital at Springville was filled to its capacity five months after opening.

Notice

AMERICAN DIETETIC ASSOCIATION

The next annual meeting of the American Dietetic Association will be held in New York City, October 22, 23, 25 and 26, 1920. Plans under consideration now promise to make this one of the most worth while meetings of interest to all groups of people whose special work is allied with nutrition and dietetics.

Medicine Before The Bench

In this column will appear with appropriate comment, from month to month, court decisions and proceedings affecting the various phases of medical practice, the conduct of hospitals and the enforcement of public health laws.

DAMAGES FOR ALLEGED MALPRACTICE

A judgment of the Superior Court of San Francisco for \$2000.00 against Dr. W. C. Eidenmuller, Jr., for alleged improper surgical and medical treatment administered to Otto Scherer was reversed by the First Appellate District Court Division Two, in a decision handed down by Judge Langdon, concurred in by Judges Brittain and Nourse.

In this action brought by plaintiff to recover damages for alleged improper surgical and medical treatment administered to plaintiff by a practicing physician, of a gunshot wound in his elbow, the evidence fails to establish negligence on the part of said physician not taking X-ray pictures of said wound at any time during a period of about 3 months and 10 days after an operation thereon, where said wound during said time showed signs of infection and was discharging pus, and the only expert testimony offered by plaintiff showed it was not improper to not take X-ray pictures where such condition existed.

The testimony offered in the lower court is discussed at length and the Appellate Court decides that "it falls far short of the proof required to establish negligence."

The respondent argues that because the defendant stated to the plaintiff about August 20th that he would take him to Dr. Stoddard for the second operation, because Dr. Stoddard had had more experience with such cases and had just returned from the war zone, and that he, defendant, had not had a case like this one before, this amounts to an admission of incompetency and unskillfulness upon the part of the defendant. We think these statements are susceptible of no such construction. As pointed out before, Dr. Coffey testified that in an experience covering 18,000 fracture cases he had never seen a case like this one. The defendant testified that he had had considerable experience in fracture cases, but had never had one precisely like this. The fact that Dr. Stoddard was admitted to be more experienced and skilled along this particular line does not imply that the defendant did not possess that reasonable degree of learning and skill possessed by others of his profession in his locality. This question is discussed in the case of Houghton v. Dickson, supra, where it is said that the fact that some other physician may have discovered a dislocation in an arm does not show a want of ordinary care in the defendant physician, since the physician who made the discovery may have been a man who, by reason of superior learning and advantages, possessed far more than ordinary skill in his profession. The court in that case quotes from the case of James v. Crockett, 34 N. B., 540, as follows: 'A surgeon does not undertake to perform a cure, nor does he undertake to use the highest possible degree of skill, as there may be persons of higher education and greater advantages than himself. . . . Surely it will not be contended that the measure of ordinary skill is the amount of skill and experience acquired by physicians who have been working for some time in the war zone and handling a constant succession of difficult and unusual cases.'

"Though the determination of the question herein discussed cuts the foundation from under the judgment in this case, it is pertinent to remark also that the record contains no evidence that it would have been possible or likely by any course of treatment, no matter how skilful, to have restored to the plaintiff the full use of his arm after an injury such as occurred here. The fact that a patient does not make a complete recovery raises no presumption of the absence of proper skill and attention upon the part of the attending physician. (Haire v. Reese, 7 Phila. (Pa.), 138, quoted in Houghton v. Dickson, supra.)